

# MISSOURI BOARD OF PHARMACY

**ANNUAL REPORT FOR THE FISCAL YEAR ENDING  
JUNE 30, 2001**



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**BOB HOLDEN, GOVERNOR  
STATE OF MISSOURI**

**JOSEPH DRISKILL, DIRECTOR  
DEPARTMENT OF ECONOMIC DEVELOPMENT**

**MARILYN TAYLOR WILLIAMS, DIRECTOR  
DIVISION OF PROFESSIONAL REGISTRATION**

# ANNUAL REPORT

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**DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
DIVISION OF PROFESSIONAL REGISTRATION  
BOARD OF PHARMACY MEMBERS AND STAFF**

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PHONE (573) 751-0091  
FAX (573) 526-3464  
Web Site <http://www.ecodev.state.mo.us/pr/pharmacy/>

**BOARD MEMBERS**

Martin H. Michel, R. Ph. President  
Gary F. Sobocinski, R. Ph., R.Ph., V. President  
Barbara J. Dunning, R. Ph., Member  
Tom M. Gialde, R.Ph., Member  
James L. Gray, III, R. Ph., Member  
Elaina Wolzak, R. Ph., Member  
Anita K. Parran, Public Member

**BOARD INSPECTORS**

Thomas Glenski, R.Ph., Chief Inspector  
Michael Kidd, R. Ph., Inspector  
Kim Kaufman, R.Ph., Inspector  
Jerome Gershman, R. Ph., Inspector  
Frank Van Fleet, R. Ph., Inspector  
Robert L. "Bud" Alexander, R. Ph., Inspector

  
**EXECUTIVE DIRECTOR**

Kevin E. Kinkade, R.Ph.

**OFFICE STAFF**

Sharon Roberts  
Tammy Siebert  
Regina Blanchard  
Courtney Nokes  
Don Walker  
Deanna Allen  
Nancy Gillam

Executive Assistant  
Compliance Coordinator  
Pharmacist Coordinator  
Drug Distributor Coordinator  
Pharmacy Technician Coordinator  
Pharmacy Coordinator  
Licensing Technician I

**DIVISION OF PROFESSIONAL REGISTRATION**

Marilyn Taylor Williams - Division Director

# **ORGANIZATION AND DESCRIPTION OF THE BOARD OF PHARMACY**

The Missouri Board of Pharmacy is an agency within the Division of Professional Registration, Department of Economic Development.

The Board was created by House Bill No. 87 of the General Assembly of 1909. The Board consists of seven (7) persons, one who is a public member and six (6) who are licensed pharmacists actively engaged in the practice of pharmacy. At least one of these members must be a person who provides, on a full-time basis, pharmaceutical services to a hospital, skilled nursing facility or an intermediate care facility. Board Members are appointed by the Governor and hold office for (5) years from the date of their appointment and until their successors have been appointed and qualified. Board Members appointed by the Governor are subject to approval of the Senate. Annually, the Board shall organize by the election of a president, and a vice president, each of whom serves for one year.

The Board is provided authority by Section 338.035, 338.140, 338.280 and 338.350 RSMo. 2000 to adopt rules and regulations for the application and enforcement of Chapter 338, RSMo.

The Board has superintending control over the practice of pharmacy in the State of Missouri and its primary duties consist of:

1. Examining and licensing of applicants;
2. Accrediting of pharmacy colleges;
3. Renewing biennially, the licenses of qualified pharmacists, pharmacies, drug distributors, and renewing annually, the licenses of intern pharmacists;
4. Suspending, revoking, or placing on probation the license of any pharmacist, pharmacy, drug distributor, or intern pharmacist found to be in violation of Chapter 338, RSMo;
5. Inspection of pharmacies and drug distributors;
6. Inspection and licensing of pharmacies for intern certification;
7. Licensing and biennial renewal of non-resident pharmacies and drug distributors;
8. Registering and renewing pharmacy technicians annually.

The Board maintains a record of all of its proceedings through the maintenance of minutes for both its open and closed session meetings, pursuant to provisions in Chapter 610 and 620.

The Board appoints five members to an Advisory Committee for Drug Distributors. This committee advises and makes recommendations to the Board concerning any rule changes proposed involving the drug distributor licensing program. A list of the current members of the committee is available at the Board of the Pharmacy office.

Several publications are available through the Board of Pharmacy. These include the Annual Report, the Board of Pharmacy Red Lawbook, the Negative Formulary, the Consumers Report and the Board of Pharmacy quarterly Newsletter.

The Board is an active member of the National Association of Boards of Pharmacy, and a member of District 6 in NABP.

**KEVIN E. KINKADE, R.PH  
EXECUTIVE DIRECTOR**

## \$\$ FINANCIAL INFORMATION \$\$

The Missouri Board of Pharmacy's appropriation for fiscal year ending June 30, 2001 was as follows:

Personal Service	\$ 517,305	Expense and Equipment	\$ 191,679
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Criminal History Fund \$ 41,140 E

Transfers \$ 350,919

\*Transfers include:

- Rent
- Professional Registration
- Optical Imaging
- DED/MIS
- Hancock Refunds
- Licensing System
- Attorney General
- Administrative Hearing Commission

## BOARD MEETING INFORMATION

During the fiscal year ending June 30, 2001, the Board met in regular session a total of 10 days.

## INSPECTION INFORMATION

During the fiscal year ending June 30, 2001, the six (6) board inspectors conducted a total of 1,315 regular inspections of pharmacies and drug distributors throughout the state. This total does not include additional trips to a pharmacy or drug distributor for follow-up inspections or investigations.

## GOLD CERTIFICATES ISSUED

The following individuals received Gold Certificates during FY 2001, which are signed by the Governor of the State of Missouri, as well as by the Board Members and the Executive Director. The certificate represents fifty (50) years of active service as a Missouri Pharmacist.

Francis O. Adrian, Jr., Hannibal, MO  
Gene C. Caldwell, Springfield, MO  
Eugene F. Felder, St. Louis, MO  
M. S. Fox, Miami, FL  
Omer R. Gaskins, Kennett, MO  
Joseph A. Glenski, St. Joseph, MO  
Barbara B. Gose, Independence, MO  
Robert R. Kullman, St. Louis, MO  
Taylor E. Lindhorst, St. Louis, MO  
Harold P. Magee, St. Joseph, MO  
Edward A. McMurray, Jr., Florissant, MO  
Eugene H. Myers, Lincolnshire, IL  
John W. Murphy, Kirkwood, MO  
John M. Overman, Independence, MO

Charles H. Powers, Kansas City, MO  
Millard A. Randoll, Festus, MO  
John W. Reese, Lebanon, MO  
Francis C. Runde, St. Charles, MO  
Ruth L. Scott, Excelsior Springs, MO  
Leo Shalinsky, Prairie Village, KS  
James D. Sisk, Licking, MO  
Gary Sosnoff, Maitland, FL  
Thomas D. Stephens, Granite City, IL  
Carl E. Stoker, Murphysboro, IL  
John R. Stotts, Little Rock, AR  
Albert R. Torres, Florissant, MO  
Maurice Williams, St. Louis, MO

<b>BOARD RULES FILED OR AMENDED</b>
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During the fiscal year ended June 30, 2001, the Board amended or adopted the following rules:

**4 CSR 220-2.010 Pharmacy Standards of Operation** – Revised the language regarding consecutive numbering of hard copy prescriptions and provided that pharmacy operations must at all times be under a properly designated pharmacist-in-charge. **Effective 9/30/00**

**4 CSR 220-2.018 Prescription Requirements** –Revised the language to designate that each prescription must have an assigned prescription number.. **Effective 9/30/01**

**4 CSR 220-2.018 Prescription Requirements** –Revised the language to designate that each prescription must bear a unique, readily retrievable identifier. **Effective 6/30/01**

**4 CSR 220-2.020 Pharmacy Permits** – Revised the language to provide a definition of remodeling of a pharmacy; provided a definition of Class H and Class I pharmacies, and provided that pharmacy applications should indicate each type of pharmacy practiced at the specific location. **Effective 9/30/00.**

**4 CSR 220-2.030 Educational and Licensing Requirements** - Provides that 1,000 is the maximum number of hours which can be awarded to an intern from an approved special site; provides that 750 intern hours may be earned in a Class I pharmacy; provides that licensure transfer process must be completed within six (6) months of receipt of application; provides that any licensure transfer applicant who completes the process in less than three months does not have to register as a pharmacy technician. **Effective 6/30/01**

**4 CSR 220-2.036 Temporary License** – Revised the language to provide a specific time period for students rotating through a licensed pharmacy or other internship site, not licensed as an intern, may apply for a temporary license; and also provided that temporary licenses may be issued to licensure transfer or reciprocity candidates. **Effective 9/30/00.**

**4 CSR 220-2.080 Electronic Data Processing** - Revised the language regarding prescription numbers and a unique readily retrievable identifier; provided that prescription hard copies must be filed by either prescription number or by the hard copy number. **Effective 9/30/00.**

**4 CSR 220-2.080 Electronic Data Processing** - Revised the language regarding retention of records; provides that records must be retrievable during specified time frames. **Effective 6/30/01**

**4 CSR 220-2.085 Electronic Transmission of Prescription Data** – Added language to provide for fax prescriptions and appropriate access. **Effective 1/31/01.**

**4 CSR 220-2.090 Pharmacist-in-Charge** - Adds the responsibility of compliance with automated dispensing rule to the pharmacist-in-charge duties. **Effective 6/30/01**

**4 CSR 220-2.100 Continuing Pharmacy Education** – Revised the language to provide for biennial renewal. **Effective 9/30/00.**

**4 CSR 220-2.120 Transfer of Prescription Information for the Purpose of Refill** – Revised to provide for clarifying and cleanup language. **Effective 1/31/01.**

**4 CSR 220-2.130 Drug Repackaging** – Changed expiration date for prepacked medications from 6 months to 12 months. **Effective 1/31/01.**

**4 CSR 220-2.140 Prescription Services by Pharmacists/Pharmacies for Residents in Long-Term Care Facilities.** Provided for a definition of a long term care facility as well as minimum standards for remote dispensing systems. **Effective 1/31/01**

**4 CSR 220-2.145 Minimum Standards for Multi-Med Dispensing** – New rule establishing minimum standards for multi-med dispensing. **Effective 9/30/00.**

**4 CSR 220-2.300 Record Confidentiality and Disclosure** - Adds language to clarify confidentiality issues. **Effective 6/30/01**

**4 CSR 220-2.900 Automated Dispensing Systems** - New rule establishing minimum standards for automated dispensing systems. **Effective 6/30/01**

**4 CSR 220-4.010 General Fees** - Revised the renewal fee to provide for pharmacist biennial renewal. **Effective 9/30/00.**

**4 CSR 220-5.020 Drug Distributor Licensing Requirements** - Revised the language to provide that drug distributors shall only purchase legend drugs and drug related devices from licensed entities. **Effective 9/30/00**

**4 CSR 220-5.020 Drug Distributor Licensing Requirements** - Revised the language to establish a 5% threshold for sale of drugs from a pharmacy to other entity, before licensure as a drug distributor is required. **Effective 6/30/01**

**4 CSR 220-5.030 Definitions and Standards for Drug Wholesale and Pharmacy Distributors** – Revised the language to reduce educational requirements for manager in charge to 2 years; and other individuals to 1 year. Also provided that all drug distributor operations must be conducted under the supervision of a properly designated manager-in-charge and set out certain exemptions for brokers. **Effective 9/30/00.**

**4 CSR 220-5.030 Definitions and Standards for Drug Wholesale and Pharmacy Distributors** - Increased the length of time a drug distributor must maintain certain records to three (3) years, to comply with federal law. **Effective 6/30/01**

**4 CSR 220-5.050 Out of State Distributor License Registration Requirements** - Revised the language to include foreign jurisdictions. **Effective 9/30/00.**

**4 CSR 220-5.070 Standards of Operation for Medical Gas Distributors** – New rule establishing the minimum standards for medical gas distributors. **Effective 9/30/00.**

# DISCIPLINARY INFORMATION COMPLAINTS FILED

STATISTICS BELOW REFLECT TOTAL COMPLAINTS  
FOR THE FISCAL YEAR ENDING JUNE 30, 2001

Total Complaints Received and Reviewed by the Board ..... 195

<b>Breakdown of Source of Complaints</b>	
Complaints Received From Public	82
Complaints Received from Other Agencies	10
Complaints Received from Board Inspectors	41
Complaints Received from Other State Boards	4
Complaints Regarding Licensing Issues	58

<b>TYPES OF COMPLAINTS INVOLVED</b>	
Action by Another State	1
Adulterated Drugs	3
Compounding	1
Discipline Revisions	5
Dispensing Errors	32
Drug/Alcohol Related	10
Exam Candidates	2
Ethical	1
False Advertising	3
Felony Conviction	2
Fraudulent Prescriptions	5
Freedom of Choice	1
Improper Controls	8
Improper Dispensing	14
Incompetency	1
Insurance Fraud	1
Loss of Drugs	8
Medicaid Fraud	1
Mislabeling	1
Pharmacy Permit Violations	4
Possession-Illegal Drugs	1
Practicing without a License	18
Recordkeeping	2
Sale of Drugs to Unlicensed Facility	1
Samples	4
Substitution	7
Technician Applicants	25
Theft of Drugs	15
Theft of Drugs for Self-Administration	1
Unauthorized Dispensing	4
Unauthorized Refills	3
Unsupervised Dispensing	3
Violation of Disciplinary Order	7

<b>DISPOSITION</b>
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Administrative Correction Letters Sent	22
Administrative Warning Letters Sent	9
Professional Misconduct Letters Sent	7
Cease and Desist Letters Sent	8
Denial Letters Sent	1
Technician Disqualification Letters Sent	23
Miscellaneous Non-Administrative Board Letters Sent	10
Complaints Referred to Attorney General's Office	11
Investigations Requested/Not Complete	62
Individuals Requested to Meet with the Board	10
No Action/Insufficient Evidence	27
Disposition Complete – Other	15

**NOTE**

Disposition numbers will not equal the number of complaints received and processed, since some cases resulted in dual action, i.e., the pharmacist met with the Board and then received some type of letter, or was referred to the Attorney General's office for filing, etc.

<b>DISCIPLINARY ACTION TAKEN</b>
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**Complaints Filed with AHC.....1**

**ACTIONS**

Felony Hearings Held	3
Settlement Agreements Entered	7
AHC Joint Stipulations	5
Restricted Licenses Issued Pursuant to Section 620.149	2

**DISCIPLINE RESULTS**

Pharmacist Denials	1
Pharmacist Licenses Revoked	2
Pharmacist Licenses Suspended Followed by Probation	2
Pharmacist Licenses on Probation	5
Pharmacist Licenses Censured	3
Pharmacy Permits on Probation	2
Pharmacy Permits Censured	1
Drug Distributor Licenses on Probation	1
Voluntary Surrender of License	2
Injunction	1
Restricted Intern Licenses Issued Pursuant to Section 620.149	2

**NOTE**

Since the time frame of cases from point of first review to the final disposition may be lengthy, the totals shown above will not necessarily balance. A case may be reviewed by Board, referred to the Attorney General's office, filed with the Administrative Hearing Commission and be decided by disciplinary hearing, consent order or otherwise, all in separate fiscal years.

# CENSUS OF LICENSED PHARMACISTS YEAR ENDING JUNE 30, 2001



## TOTAL PHARMACISTS INSTATE AND OUT OF STATE

<b>Total Licensed Pharmacists</b>	<b>6,469</b>
Active license	<b>6,170</b>
Inactive License	<b>299</b>
Male Inactive	<b>178</b>
Female Inactive	<b>121</b>

## TOTAL NUMBER OF PHARMACISTS RESIDING IN MISSOURI

<b>Active License – Practicing Pharmacy</b>	<b>4,394</b>
Male	<b>2,619</b>
Female	<b>1,775</b>
Male – Inactive	<b>54</b>
Female – Inactive	<b>19</b>

## BREAKDOWN OF EMPLOYMENT STATUS IN MISSOURI

<b>Retail Pharmacy (Independent)</b>	<b>986</b>
<b>Community Pharmacy (Chains)</b>	<b>1,429</b>
<b>Hospitals and Clinics</b>	<b>1,045</b>
<b>Nursing Homes</b>	<b>94</b>
<b>Consulting</b>	<b>113</b>
<b>Nuclear</b>	<b>19</b>
<b>Home Health</b>	<b>56</b>
<b>Teaching</b>	<b>39</b>
<b>Retired</b>	<b>125</b>
<b>Not Practicing in Missouri</b>	<b>181</b>
<b>Not Active in Pharmacy</b>	<b>153</b>
<b>Unemployed</b>	<b>72</b>
<b>Other</b>	<b>62</b>

**PHARMACISTS RESIDING OUTSIDE THE STATE OF MISSOURI**

<b>Total Out of State Active Licenses Held</b>	<b>2,075</b>
<b>Male Pharmacists – Active</b>	<b>1,158</b>
<b>Female Pharmacists – Active</b>	<b>917</b>
<b>Male Pharmacists - Inactive</b>	<b>124</b>
<b>Female Pharmacists - Inactive</b>	<b>102</b>



**AGE GROUP BREAKDOWN OF INSTATE AND OUT-OF-STATE PHARMACISTS**

<b>Under the age of 30</b>	<b>644</b>
<b>Ages 30-39</b>	<b>1,620</b>
<b>Ages 40-49</b>	<b>1,940</b>
<b>Ages 50-59</b>	<b>1,374</b>
<b>Ages 60-69</b>	<b>604</b>
<b>Ages 70-79</b>	<b>240</b>
<b>Ages 80-89</b>	<b>43</b>
<b>Ages 90+</b>	<b>4</b>

## CENSUS OF LICENSED PHARMACIES AS OF JUNE 30, 2001

Total Licensed Pharmacies As Of June 30, 2001.....	1,551
Instate Pharmacies.....	1,285
Non-Resident Pharmacies.....	266



### BREAKDOWN OF INSTATE PHARMACIES

Class A-Retail Pharmacies (Independent) .....	609
Class A - Chain Pharmacies.....	491
Class B - Hospital Pharmacies .....	136
Class C - LTC Pharmacies .....	26
Class D – Home Health Pharmacies .....	11
Class E – Radiopharmaceutical .....	6
Class F – Renal Dialysis Pharmacies.....	2
Class G – Medical Gas Pharmacies .....	0
Class H – Sterile Products.....	2
Class I – Consultant Pharmacy .....	2

## CENSUS OF DRUG DISTRIBUTORS/MANUFACTURERS LICENSED AS OF JUNE 30, 2001

Total Drug Distributors Licensed with a Permanent License.....	923
Total Drug Distributors Licensed with a Temporary License.....	134
Total Out-of-State Manufacturers Registered .....	85



### NOTE

Any out-of-state drug company or manufacturer that ships/transfers legend drugs or devices into this state is required to obtain an out-of-state drug distributor license with this office.

Upon receipt of a license application, the company is issued a temporary license. This temporary license is valid for a period of 1 year or until the application has been completely processed by this office, at which time a permanent license is issued or the application is denied by the Board.

All in-state drug companies that ship/transfer legend pharmaceuticals are also required to obtain licensure with this office.

Any pharmacy that distributes legend drugs to any entity other than the consumer (the patient), such as other pharmacies, physicians, etc., must obtain a drug distributor's license if that type of distribution exceeds 5% of the pharmacy's total gross sales.

## CENSUS OF OTHER LICENSEES AS OF JUNE 30, 2001

Total Licensed Interns.....	634
Total Registered Pharmacy Technicians.....	7,140

MISSOURI BOARD OF PHARMACY  
INSPECTORS AND COUNTIES ASSIGNED

**#1 Van Fleet**

013 Bates  
015 Benton  
037 Cass  
053 Cooper  
083 Henry  
089 Howard  
095 Jackson  
101 Johnson  
107 Lafayette  
159 Pettis  
195 Saline

**#2 Kaufman**

009 Barry  
011 Barton  
039 Cedar  
043 Christian  
057 Dade  
059 Dallas  
067 Douglas  
077 Greene  
085 Hickory  
091 Howell  
097 Jasper  
105 LaCleda  
109 Lawrence  
119 McDonald  
145 Newton  
153 Ozark  
167 Polk  
185 St. Clair  
209 Stone  
213 Taney  
215 Texas  
217 Vernon  
225 Webster  
229 Wright

**#3 Glenski**

001 Adair  
003 Andrew  
005 Atchison  
021 Buchanan  
025 Caldwell  
033 Carroll  
041 Chariton  
047 Clay  
049 Clinton  
061 Davies  
063 Dekalb  
075 Gentry  
079 Grundy  
081 Harrison  
087 Holt  
115 Linn  
117 Livingston  
121 Macon  
129 Mercer  
147 Nodaway  
165 Platte  
171 Putnam  
175 Randolph  
177 Ray  
197 Schyler  
211 Sullivan  
227 Worth

**#4 Kidd**

029 Camden  
051 Cole  
071 Franklin  
073 Gasconade  
125 Maries  
131 Miller  
135 Moniteau  
141 Morgan  
151 Osage  
161 Phelps  
169 Pulaski  
189 STL CO  
510 STL City

**#5 Alexander**

017 Bollinger  
023 Butler  
031 Cape Gir.  
035 Carter  
055 Crawford  
065 Dent  
069 Dunklin  
093 Iron  
099 Jefferson  
123 Madison  
133 Miss.  
143 New Madrid  
149 Oregon  
155 Pemiscot  
157 Perry  
179 Reynolds  
181 Ripley  
183 St. Charles  
187 St. Francois  
193 St. Genevieve  
201 Scott  
203 Shannon  
207 Stoddard  
221 Wash.  
223 Wayne

**#6 Gershman**

007 Audrain  
019 Boone  
027 Callaway  
045 Clark  
103 Knox  
111 Lewis  
113 Lincoln  
127 Marion  
137 Monroe  
137 Montgomery  
163 Pike  
173 Ralls  
189 STL Co.  
510 STL City  
199 Scotland  
205 Shelby  
219 Warren